

U.S. District Court
Northern District of Iowa (Central Division)
CRIMINAL DOCKET FOR CASE #: 3:12-cr-03011-LRR All Defendants
Internal Use Only

Case title: USA v. Goodale

Date Filed: 03/07/2012

Date Terminated: 12/07/2012

Interested Party

US Probation

represented by **uspNotify**

Email: pocrecm@ianp.uscourts.gov

ATTORNEY TO BE NOTICED

Assigned to: Chief Judge Linda R
Reade

Referred to: Magistrate Judge Jon S
Scoles

Appeals court case number: 12-3972
USCA For the Eighth Circuit

Defendant (1)

Michael Goodale
12002-029
USP TUCSON
U.S. PENITENTIARY, FEDERAL
SATELLITE LOW
PO BOX 24550
TUCSON, AZ 85734
TERMINATED: 12/07/2012

represented by **Mark C Meyer**
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**ECF
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Mark R Brown
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319 862 2519
Fax: 862 2529
Email: attybrown@aol.com
TERMINATED: 12/10/2012
Designation: Retained

Pending Counts

Disposition

18:2241(c) AGGRAVATED SEXUAL
ABUSE
(1)

Life imprisonment. This term of imprisonment consists of a life term imposed on each of Counts 1, 3 and 4 and a 120 month term imposed on Count 5 of the Indictment, to be served concurrently. 10 years supervised release consisting of a 10 year term imposed on each of Counts 1, 3, 4 and 5 of the Indictment, to be served concurrently. \$400.00 assessment. \$253.24 restitution.

18:2423(a) COERCION OR
ENTICEMENT OF MINOR
(3)

Life imprisonment. This term of imprisonment consists of a life term imposed on each of Counts 1, 3 and 4 and a 120 month term imposed on Count 5 of the Indictment, to be served concurrently. 10 years supervised release consisting of a 10 year term imposed on each of Counts 1, 3, 4 and 5 of the Indictment, to be served concurrently. \$400.00 assessment. \$253.24 restitution.

18:2423(a) COERCION OR
ENTICEMENT OF MINOR
(4)

Life imprisonment. This term of imprisonment consists of a life term imposed on each of Counts 1, 3 and 4 and a 120 month term imposed on Count 5 of the Indictment, to be served concurrently. 10 years supervised release consisting of a 10 year term imposed on each of Counts 1, 3, 4 and 5 of the Indictment, to be served concurrently. \$400.00 assessment. \$253.24 restitution.

18:2252A(a)(5)(B) and 2252A(b)(2)
ACTIVITIES RE MATERIAL
CONSTITUTING/CONTAINING
CHILD PORNO
(5)

Life imprisonment. This term of imprisonment consists of a life term imposed on each of Counts 1, 3 and 4 and a 120 month term imposed on Count 5 of the Indictment, to be served concurrently. 10 years supervised release consisting of a 10 year term imposed on each of Counts 1, 3, 4 and 5 of the Indictment, to be served concurrently. \$400.00 assessment. \$253.24 restitution.

Highest Offense Level (Opening)

Felony

Terminated Counts

18:2241(c) AGGRAVATED SEXUAL
ABUSE
(2)

Disposition

Directed out per Order at docket #88 on 9/24/2012.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Garnishee

IPERS

represented by **IPERS**

PO Box 9117
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PRO SE

Plaintiff

USA

represented by **Martin J McLaughlin**

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Date Filed	#	Page	Docket Text
03/07/2012			Judge update in case as to Michael Goodale. Chief Judge Linda R Reade and Magistrate Judge Jon S Scoles added. Conflicts checked for parties and AUSA Tremmel, none found. (skm) (Entered: 03/07/2012)
03/07/2012	<u>2</u>		INDICTMENT as to Michael Goodale, Counts 1-2, 3-4, 5. (Attachments: # <u>1</u> Unredacted Indictment) (USA, USM, USP) (skm) (Entered: 03/07/2012)
03/07/2012	<u>3</u>		*SEALED* Arrest Warrant Issued in case as to Defendant Michael Goodale (USA, USM, USP). (skm) (Entered: 03/07/2012)
03/07/2012	<u>4</u>		NOTICE of Attorney Appearance: Mark R Brown appearing for Defendant Michael Goodale <i>Formal Appearance Of Counsel</i> (Brown, Mark) (Entered: 03/07/2012)
03/09/2012	<u>5</u>		NOTICE of Hearing as to Defendant Michael Goodale: Initial Appearance and Arraignment set for 3/9/2012 at 2:00 PM in 4200 C Street SW, Building

		B, Courtroom 2 before Magistrate Judge Jon S Scoles. Signed by Clerk on 3/9/2012. (USA, USM, USP, Attorney Brown notified via e-mail) (pac) (Entered: 03/09/2012)
03/09/2012	<u>6</u>	Arrest Warrant Returned Executed on 3/9/2012 in case as to Defendant Michael Goodale. (pac) (Entered: 03/09/2012)
03/09/2012	<u>7</u>	MINUTE Entry for proceedings held before Magistrate Judge Jon S Scoles: Initial Appearance and Arraignment as to Defendant Michael Goodale (1) Count 1–2, 3–4, 5 held on 3/9/2012. Attorney Mark Brown for defendant, and defendant pled not guilty to Counts 1–5 of the Indictment. Defendant detained. (Court Reporter FTR Gold) (pac) (Entered: 03/09/2012)
03/09/2012	<u>8</u>	STIPULATED Discovery Order as to Defendant Michael Goodale. Signed by Magistrate Judge Jon S Scoles on 3/9/2012. (pac) (Entered: 03/09/2012)
03/09/2012	<u>9</u>	TRIAL Management Order as to Defendant Michael Goodale. Jury Trial set for 5/7/2012 at 9:00 AM in 4200 C Street SW, Building B, Courtroom 1 before Chief Judge Linda R Reade. Final Pretrial Conference set for 5/7/2012 at 8:30 AM in 4200 C Street SW, Building B, Courtroom 1 before Chief Judge Linda R Reade. Jury Instructions due by 4/27/2012. Motions due by 4/6/2012. Status Conference set for 4/11/2012 at 12:00 PM in 4200 C Street SW, Building B, Courtroom 2 before Magistrate Judge Jon S Scoles. Trial Related Motions due by 4/23/2012. Signed by Magistrate Judge Jon S Scoles on 3/9/2012. (pac) (Entered: 03/09/2012)
03/09/2012	<u>10</u>	ORDER of Temporary Detention as to Defendant Michael Goodale: Detention Hearing set for 3/13/2012 at 11:00 AM in 4200 C Street SW, Building B, Courtroom 2 before Magistrate Judge Jon S Scoles. Signed by Magistrate Judge Jon S Scoles on 3/9/2012. (pac) (Entered: 03/09/2012)
03/12/2012	<u>11</u>	NOTICE Memo—Filed by Def. Via Detention Hearing by Defendant Michael Goodale (Brown, Mark) (Entered: 03/12/2012)
03/13/2012	<u>12</u>	MINUTE Entry for proceedings held before Magistrate Judge Jon S Scoles: Detention Hearing as to Defendant Michael Goodale held on 3/13/2012. Defendant remains detained. Order to follow. (Court Reporter Patrice Murray) (pac) (Entered: 03/13/2012)
03/13/2012	<u>13</u>	ORDER for Pretrial Detention as to Defendant Michael Goodale. Signed by Magistrate Judge Jon S Scoles on 3/13/2012. (skm) (Entered: 03/13/2012)
03/26/2012	<u>17</u>	ORDER Setting Hearing on <u>16</u> MOTION to Suppress <i>seizure—computer—verbal statement</i> as to Defendant Michael Goodale: Motion Hearing set for 4/3/2012 at 1:30 PM in 4200 C Street SW, Building B, Courtroom 2 before Magistrate Judge Jon S Scoles. Government's resistance due by 4/2/2012. Signed by Magistrate Judge Jon S Scoles on 3/26/2012. (pac) (Entered: 03/26/2012)
03/26/2012	<u>18</u>	MOTION to Seal Document <i>request—seal 3—prior filed motions—not resisted</i> by Michael Goodale. (Attachments: # <u>1</u> Supplement) (Brown, Mark) (Entered: 03/26/2012)
03/26/2012	<u>19</u>	ORDER granting <u>18</u> Motion to Seal Documents as to Michael Goodale. The Clerk of Court shall seal the motions in limine (docket numbers <u>14</u> and <u>15</u>) and the motion to suppress (docket number <u>16</u>) previously filed in this

		matter. Signed by Magistrate Judge Jon S Scoles on 3/26/2012. (skm) (Entered: 03/26/2012)
04/01/2012	<u>20</u>	MOTION to Amend <u>16</u> Sealed Motion to Suppress Statement and Lap Top Computer by Michael Goodale. (Attachments: # <u>1</u> Supplement) (Brown, Mark) Modified text on 4/2/2012 (skm). (Entered: 04/01/2012)
04/03/2012	<u>23</u>	MINUTE Entry with Witness/Exhibit List for proceedings held before Magistrate Judge Jon S Scoles: Motion Hearing as to Defendant Michael Goodale held on 4/3/2012 re <u>16</u> MOTION to Suppress <i>seizure-computer-verbal statement</i> filed by Michael Goodale, <u>20</u> MOTION to Amend <u>16</u> Motion to Suppress filed by Michael Goodale. <u>20</u> Motion to Amend granted. No order to follow. <u>16</u> Motion to Suppress taken under advisement. Report and recommendation to follow. (Government's Exhibit 1 uploaded to storage device; Government's Exhibit 2-6 previously filed at <u>22</u>) (Court Reporter Angela Maddux) (pac) (Entered: 04/03/2012)
04/03/2012		Motion Taken Under Advisement as to Defendant Michael Goodale re <u>16</u> MOTION to Suppress <i>seizure-computer-verbal statement</i> (pac) (Entered: 04/03/2012)
04/09/2012	<u>26</u>	MOTION to Continue Trial <i>unresisted motion</i> by Michael Goodale. (Brown, Mark) (Entered: 04/09/2012)
04/09/2012	<u>27</u>	ORDER to Continue – Ends of Justice granting <u>26</u> Unresisted Motion to Continue Trial as to Defendant Michael Goodale. Time excluded from 04/09/2012 until 06/11/2012. Jury Trial reset for 6/11/2012 09:00 AM in 4200 C Street SW, Building B, Courtroom 1 before Chief Judge Linda R Reade. Final Pretrial Conference reset for 6/11/2012 08:30 AM in 4200 C Street SW, Building B, Courtroom 1 before Chief Judge Linda R Reade. Jury Instructions due by 6/1/2012. Trial Related Motions due by 5/28/2012. Status Conference reset for 5/16/2012 12:00 PM in 4200 C Street SW, Building B, Courtroom 2 before Magistrate Judge Jon S Scoles. Signed by Magistrate Judge Jon S Scoles on 4/9/2012. (skm) (Entered: 04/09/2012)
04/19/2012	<u>28</u>	REPORT AND RECOMMENDATION as to Michael Goodale recommending that <u>16</u> MOTION to Suppress <i>seizure-computer-verbal statement</i> filed by Michael Goodale as amended at <u>20</u> MOTION to Amend <i>re: prior filed mot-suppress-no object-government</i> filed by Michael Goodale be denied. Objections to RRdue by 5/3/2012. Signed by Magistrate Judge Jon S Scoles on 4/19/2012. (pac) Modified text on 4/19/2012 (pac). (Entered: 04/19/2012)
04/27/2012	<u>29</u>	NOTICE of Filing of Official Transcript of Motion to Suppress Proceedings as to Defendant Michael Goodale held on 4/3/2012, before Magistrate Judge Jon S Scoles. Court Reporter Angela Maddux, Telephone number (319) 610-9513. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/18/2012. Redacted Transcript Deadline set for 5/29/2012. Release of Transcript Restriction set for 7/26/2012. (pac) (Additional attachment(s) added on 6/19/2012: # <u>1</u> Redacted Transcript) (pac). (Entered: 04/27/2012)
04/27/2012	<u>30</u>	

		NOTICE of Filing of Electronic Transcript: Administrative Order attached: Please read for instructions for actions parties/counsel may be required to take re <u>29</u> Motion to Suppress Transcript. (pac) (Entered: 04/27/2012)
04/27/2012	<u>31</u>	OBJECTION to Report and Recommendation <u>28</u> by Michael Goodale (Brown, Mark) (Entered: 04/27/2012)
05/02/2012	<u>32</u>	TRANSCRIPT Redaction Request in case as to Michael Goodale re <u>29</u> Transcript filed by attorney Mark A Tremmel (Tremmel, Mark) (Entered: 05/02/2012)
05/02/2012	<u>33</u>	TRANSCRIPT Redaction Request in case as to Michael Goodale re <u>29</u> Transcript filed by attorney Mark R Brown (Brown, Mark) (Entered: 05/02/2012)
05/14/2012	<u>34</u>	NOTICE of Intent to Offer Evidence Pursuant to Federal Rule of Evidence 807 by USA as to Defendant Michael Goodale (Tremmel, Mark) (Entered: 05/14/2012)
05/16/2012	<u>35</u>	MINUTE Entry for proceedings held before Magistrate Judge Jon S Scoles: Status Conference as to Defendant Michael Goodale held on 5/16/2012. (Court Reporter FTR Gold) (pac) (Entered: 05/16/2012)
05/17/2012	<u>36</u>	NOTICE of Receipt for Exhibit as to Defendant Michael Goodale: Exhibit marked as PLF Exhibit 1 was released to USA. Exhibit must be kept in their original form until termination of any appeal in this matter as stated in LR 57.3(c). (pac) (Entered: 05/17/2012)
05/21/2012	<u>37</u>	NOTICE Pursuant to Federal Rules of Evidence 413, 414 and 404(b) by USA as to Defendant Michael Goodale (Tremmel, Mark) (Entered: 05/21/2012)
05/24/2012	<u>38</u>	TRIAL Scheduling Order as to Defendant Michael Goodale: Final Attorneys/Defendant Meeting set for 6/19/2012 at 4:15 PM in 4200 C Street SW, Building B, Courtroom 1 before Chief Judge Linda R Reade. Pretrial Conference set for 7/2/2012 at 8:30 AM in 4200 C Street SW, Building B, Courtroom 2 before Magistrate Judge Jon S Scoles. Jury Selection set for 7/2/2012 at 9:00 AM in 4200 C Street SW, Building B, Courtroom 1 before Magistrate Judge Jon S Scoles. Jury Trial set for 7/2/2012 at 1:00 PM in 4200 C Street SW, Building B, Courtroom 1 before Chief Judge Linda R Reade. Signed by Chief Judge Linda R Reade on 5/24/2012. (pac) Modified text on 5/24/2012 (pac). (Entered: 05/24/2012)
05/25/2012	<u>39</u>	*SEALED* MOTION in Limine 6th Amendment Issue-Inmate Witnesses by Michael Goodale. (Attachments: # <u>1</u> Brief) (Brown, Mark) Sealed on 5/25/2012 per <u>42</u> Order (pac). (Entered: 05/25/2012)
05/25/2012	<u>40</u>	MOTION to Seal Document docket # <u>39</u> & <u>39-1</u> by Michael Goodale. (Attachments: # <u>1</u> Text of Proposed Order) (Brown, Mark) (Entered: 05/25/2012)
05/25/2012	<u>41</u>	MOTION to Dismiss counts 1 &2. by Michael Goodale. (Attachments: # <u>1</u> Brief) (Brown, Mark) Modified on 6/5/2012 for corrected motion text. (JK). (Entered: 05/25/2012)
05/25/2012	<u>42</u>	

		ORDER granting <u>40</u> Motion to Seal Document Docket 39 and 39-1 as to Michael Goodale (1). The Clerk of Court shall cause Defendant's Motion in Limine and Brief to be sealed. Signed by Magistrate Judge Jon S Scoles on 5/25/2012. (pac) (Entered: 05/25/2012)
05/31/2012	<u>43</u>	ORDER Adopting <u>28</u> Report and Recommendation as to Defendant Michael Goodale. <u>31</u> Objections are overruled. <u>16</u> Motion to Suppress is denied. Signed by Chief Judge Linda R Reade on 5/31/2012. (pac) (Entered: 05/31/2012)
06/04/2012	<u>44</u>	RESISTANCE by USA as to Defendant Michael Goodale re <u>41</u> MOTION to Dismiss <i>counts 1 & 2</i> . (Attachments: # <u>1</u> Brief In Support of Government's Resistance to Defendant's Motion to Dismiss Counts 1 and 2) (Tremmel, Mark) Modified on 6/5/2012 to correct motion text. (JK). (Entered: 06/04/2012)
06/04/2012	<u>45</u>	RESISTANCE to Defendant's <u>39</u> Motion in Limine (Inmate Witnesses) by USA as to Defendant Michael Goodale. (Attachments: # <u>1</u> Brief In Support of Government's Resistance To Defendant's Motion in Limine (Inmate Witnesses)) (Tremmel, Mark) Modified text on 6/4/2012 (pac). (Entered: 06/04/2012)
06/11/2012	<u>46</u>	NOTICE Pursuant to Federal Rule of Evidence 413 by USA as to Defendant Michael Goodale (Tremmel, Mark) (Entered: 06/11/2012)
06/12/2012	<u>47</u>	MOTION to Seal Document <i>Government's Motion in Limine</i> by USA as to Michael Goodale. (Tremmel, Mark) (Entered: 06/12/2012)
06/12/2012	<u>48</u>	ORDER granting <u>47</u> Motion for Leave to Seal Motion in Limine by USA as to Michael Goodale (1). Signed by Magistrate Judge Jon S Scoles on 6/12/12. (ksy) (Entered: 06/12/2012)
06/13/2012	<u>50</u>	*SEALED* SEALED Order as to Defendant Michael Goodale. Motion Hearing set for 6/21/2012 1:00 PM in 4200 C Street SW, Building B, Courtroom 1 before Chief Judge Linda R Reade. The parties should be prepared to present any evidence they wish the court to consider. Signed by Chief Judge Linda R Reade on 6/13/12. (Copy to USA, USP and Def via email) (ksy) (Additional attachment(s) added on 6/14/2012: # <u>1</u> Return Receipts) (ksy). (Entered: 06/13/2012)
06/13/2012	<u>51</u>	ORDER denying without prejudice <u>41</u> Motion to Dismiss Counts 1 and 2 as to Michael Goodale (1). Signed by Chief Judge Linda R Reade on 6/13/12. (ksy) (Entered: 06/13/2012)
06/18/2012	<u>52</u>	RESPONSE by Defendant Michael Goodale <i>To Gov. 413 Notice</i> (Attachments: # <u>1</u> Brief) (Brown, Mark) (Entered: 06/18/2012)
06/18/2012	<u>53</u>	*SEALED* Order as to Defendant Michael Goodale. The court reserves ruling in part and denies in part <u>14</u> Motion in Limine. <u>15</u> Motion in Limine denied. <u>21</u> Motion in Limine denied. Signed by Chief Judge Linda R Reade on 6/18/2012. (E-mailed to AUSA/Attorney Brown) (pac) (Additional attachment(s) added on 6/18/2012: # <u>1</u> Confirmation Receipt from AUSA) (pac). (Additional attachment(s) added on 6/18/2012: # <u>2</u> Confirmation Receipt from Attorney Brown) (pac). (Entered: 06/18/2012)
06/19/2012	<u>55</u>	

		NOTICE <i>legal asst. at defense table-trial</i> by Defendant Michael Goodale (Brown, Mark) Modified on 6/20/2012 to correct docket text (JK). (Entered: 06/19/2012)
06/20/2012	<u>56</u>	CONSENT to Jury Selection before a US Magistrate Judge by USA, Michael Goodale as to Defendant Michael Goodale. Approved by Chief Judge Linda Reade on 6/19/2012. (pac) (Entered: 06/20/2012)
06/20/2012	<u>57</u>	MINUTE Entry for proceedings held before Chief Judge Linda R Reade: Final Pretrial Conference as to Defendant Michael Goodale held on 6/19/2012. (Court Reporter Patrice Murray) (pac) (Entered: 06/20/2012)
06/21/2012	<u>59</u>	*SEALED* SEALED Order granting <u>49</u> Government's Motion in Limine as to Defendant Michael Goodale. The parties must not directly or indirectly refer to or elicit answers from witnesses on the prohibited subjects. Each party is charged with the responsibility of cautioning its witnesses as to the substance of this Order. If during the presentation of evidence a party believes that a prohibited subject has become relevant, the party may request an opportunity to argue relevance outside the presence of the jury. Signed by Chief Judge Linda R Reade on 6/21/12. (USA, USP and Atty Brown via email) (ksy) (Additional attachment(s) added on 6/21/2012: # <u>1</u> Return Receipts) (ksy). (Entered: 06/21/2012)
06/22/2012	<u>60</u>	Proposed Jury Instructions by USA, as to Defendant Michael Goodale (Tremmel, Mark) Modified on 6/25/2012 (JK) to correct text. (Entered: 06/22/2012)
06/22/2012	<u>61</u>	Objection to Jury Instructions <u>60</u> (Brown, Mark) Modified on 6/25/2012 (JK) to correct docket text. (Entered: 06/22/2012)
06/22/2012	<u>62</u>	Objection to Jury Instructions by USA re <u>60</u> Proposed Jury Instructions <i>Government's Memorandum in Support of its Proposed Jury Instructions and Objections to Defendant's Proposed Jury Instructions</i> (Tremmel, Mark) (Entered: 06/22/2012)
06/25/2012	<u>63</u>	TRIAL BRIEF/MEMORANDUM by Defendant Michael Goodale (Brown, Mark) (Entered: 06/25/2012)
06/29/2012	<u>66</u>	MOTION to Seal Document <i>Unresisted. Request to seal entry #65</i> by Michael Goodale. (Brown, Mark) (Entered: 06/29/2012)
07/02/2012	<u>67</u>	ORDER granting <u>66</u> Motion to Seal Document as to Michael Goodale (1). Signed by Magistrate Judge Jon S Scoles on 7/2/2012. (Stigler, Karo) (Entered: 07/02/2012)
07/02/2012	<u>68</u>	MINUTE Entry for proceedings held before Magistrate Judge Jon S Scoles: Pretrial Conference, Jury Selection, and Voir Dire held on 7/2/2012 as to Michael Goodale. (Court Reporter Angela Maddux) (pac) (Entered: 07/02/2012)
07/02/2012	<u>69</u>	Peremptory Challenges as to Defendant Michael Goodale. (E-mailed to trial counsel) (pac) (Entered: 07/02/2012)
07/03/2012	<u>70</u>	MINUTE Entry for proceedings held before Chief Judge Linda R Reade: Jury Trial (Day 1) as to Defendant Michael Goodale held on 7/2/2012. Trial continued. (Court Reporter Kay Carr) (pac) (Entered: 07/03/2012)

07/03/2012	<u>71</u>	MINUTE Entry for proceedings held before Chief Judge Linda R Reade: Jury Trial (Day 2) as to Defendant Michael Goodale held on 7/3/2012. Trial continued. (Court Reporter Kay Carr) (pac) (Entered: 07/03/2012)
07/03/2012	<u>72</u>	NOTICE of Receipt for Exhibits as to Defendant Michael Goodale: Exhibits marked as Government's Exhibit 38 – 47 were released to Craig Tomlinson. Exhibits must be kept in their original form until termination of any appeal in this matter as stated in LR 57.3(c). (pac) (Entered: 07/03/2012)
07/05/2012	<u>73</u>	MINUTE Entry with Witness/Exhibit List for proceedings held before Chief Judge Linda R Reade: Jury Trial (Day 3) as to Defendant Michael Goodale held on 7/5/2012. Jury found Defendant guilty on Counts 1 – 5 of the Indictment. Defendant detained. Trial concluded. (Court Reporter Kay Carr and Patrice Murray) (pac) (Additional attachment(s) added on 7/5/2012: # <u>1</u> Government's Ex 1 (on MSD), # <u>2</u> Government's Ex 2 (on MSD), # <u>3</u> Government's Ex 3 (on MSD)) (pac). (Additional attachment(s) added on 7/10/2012: # <u>4</u> Government Ex 4, # <u>5</u> Government Ex 5, # <u>6</u> Government Ex 6, # <u>7</u> Government Ex 7, # <u>8</u> Government Ex 8, # <u>9</u> Government Ex 9, # <u>10</u> Government Ex 10, # <u>11</u> Government Ex 11, # <u>12</u> Government Ex 12, # <u>13</u> Government Ex 13, # <u>14</u> Government Ex 14, # <u>15</u> Government Ex 15, # <u>16</u> Government Ex 16, # <u>17</u> Government Ex 17, # <u>18</u> Government Ex 18, # <u>19</u> Government Ex 19, # <u>20</u> Government Ex 20, # <u>21</u> Government Ex 21, # <u>22</u> Government Ex 22, # <u>23</u> Government Ex 23, # <u>24</u> Government Ex 24, # <u>25</u> Government Ex 25, # <u>26</u> Government Ex 26, # <u>27</u> Government Ex 27, # <u>28</u> Government Ex 28, # <u>29</u> Government Ex 29, # <u>30</u> Government Ex 30, # <u>31</u> Government Ex 31, # <u>32</u> Government Ex 32, # <u>33</u> Government Ex 33, # <u>34</u> Government Ex 34, # <u>35</u> Government Ex 35, # <u>36</u> Government Ex 36, # <u>37</u> Government Ex 37, # <u>38</u> Government Ex 37, # <u>39</u> Sealed Government Ex 38, # <u>40</u> Sealed Government Ex 39, # <u>41</u> Sealed Government Ex 40, # <u>42</u> Sealed Government Ex 41, # <u>43</u> Sealed Government Ex 42, # <u>44</u> Sealed Government Ex 43, # <u>45</u> Sealed Government Ex 44, # <u>46</u> Sealed Government Ex 45, # <u>47</u> Sealed Government Ex 46, # <u>48</u> Sealed Government Ex 47, # <u>49</u> Sealed Government Ex 48) (pac). (Entered: 07/05/2012)
07/05/2012	<u>74</u>	NOTICE of Receipt for Exhibits as to Defendant Michael Goodale: Exhibits marked as Government's Exhibit 38 – 47 were released to USA. Exhibits must be kept in their original form until termination of any appeal in this matter as stated in LR 57.3(c). (pac) (Entered: 07/05/2012)
07/05/2012	<u>75</u>	Jury Question with Answer of the Court to Jury Question as to Defendant Michael Goodale. Signed by Chief Judge Linda R Reade. (pac) (Entered: 07/05/2012)
07/05/2012	<u>76</u>	JURY VERDICT as to Defendant Michael Goodale (1): Guilty on Count 1–2, 3–4, 5. (Attachments: # <u>1</u> Jury Note) (pac) (Additional attachment(s) added on 7/5/2012: # <u>2</u> Unredacted Jury Verdict, # <u>3</u> Unredacted Jury Note) (pac). (Entered: 07/05/2012)
07/05/2012	<u>77</u>	ORDER accepting <u>76</u> Jury Verdict as to Defendant Michael Goodale. Defendant is adjudicated guilty of Counts 1, 2, 3, 4, and 5 of the Indictment. Signed by Chief Judge Linda R Reade on 7/5/2012. (pac) (Entered: 07/05/2012)
07/05/2012	<u>78</u>	Preliminary Jury Instructions as to Defendant Michael Goodale. Signed by

		Chief Judge Linda R Reade on 7/2/2012. (pac) (Entered: 07/05/2012)
07/05/2012	<u>79</u>	Final Jury Instructions as to Defendant Michael Goodale. Signed by Chief Judge Linda R Reade on 7/5/2012. (pac) (Entered: 07/05/2012)
07/09/2012	<u>80</u>	Motion to Withdraw as Attorney by Defendant Michael Goodale (Attachments: # <u>1</u> Supplement) (Brown, Mark) Modified on 7/10/2012 to select correct motion event(JK). (Entered: 07/09/2012)
07/12/2012	<u>81</u>	ORDER denying <u>80</u> Motion to Withdraw as Attorney as to Michael Goodale (1). Signed by Chief Magistrate Judge Jon S Scoles on 7/12/2012. (Stigler, Karo) (Entered: 07/12/2012)
07/17/2012	<u>82</u>	MOTION for New Trial <i>And –Memo</i> by Michael Goodale. (Attachments: # <u>1</u> Brief) (Brown, Mark) Modified on 7/18/2012 to correct docket text. (JK) (Entered: 07/17/2012)
07/19/2012	<u>83</u>	SEALED Offense Conduct Statement as to Defendant Michael Goodale (Tremmel, Mark) Modified on 7/20/2012 (JK). (Entered: 07/19/2012)
07/27/2012	<u>84</u>	RESISTANCE by USA as to Defendant Michael Goodale re <u>82</u> MOTION for New Trial <i>Motion–New Trial–And –Memo</i> (Attachments: # <u>1</u> Brief) (Tremmel, Mark) (Entered: 07/27/2012)
08/30/2012	<u>85</u>	SEALED Draft Presentence Investigation Report by USA, US Probation, Michael Goodale as to Defendant Michael Goodale (Attachments: # <u>1</u> Instructions for Objecting) (Cannon, Mary) (Entered: 08/30/2012)
09/10/2012	<u>86</u>	SEALED Objection to Presentence Investigation Report By Defendant as to Michael Goodale <u>85</u> (Brown, Mark) (Entered: 09/10/2012)
09/13/2012	<u>87</u>	SEALED Objection to Presentence Investigation Report By Plaintiff as to Michael Goodale <u>85</u> (Tremmel, Mark) (Entered: 09/13/2012)
09/24/2012	<u>88</u>	ORDER granting in part and denying in part <u>82</u> MOTION for New Trial filed by Michael Goodale. Count 2 of the Indictment is directed out. In the event that the Eighth Circuit Court of Appeals reverses the court's ruling as to Count 2, the court grants Defendant's Motion for New Trial as to that count pursuant to Federal Rule of Criminal Procedure 29(d). Signed by Chief Judge Linda R Reade on 9/24/2012. (pac) Modified text on 9/24/2012 (pac). (Entered: 09/24/2012)
10/11/2012	<u>89</u>	SEALED Presentence Investigation Report <i>Final</i> by USA, US Probation, Michael Goodale as to Defendant Michael Goodale (Attachments: # <u>1</u> Sentencing Worksheet) (Cannon, Mary) (Entered: 10/11/2012)
10/16/2012	<u>90</u>	ORDER SETTING HEARING as to Defendant Michael Goodale. Sentencing set for 12/6/2012 at 03:00 PM, 111 7th Avenue SE Courtroom 1, 2nd Floor before Chief Judge Linda R Reade. Signed by Chief Judge Linda R Reade on 10/16/2012. (dll) (Entered: 10/16/2012)
11/13/2012	<u>91</u>	NOTICE <i>def. 09–sent–letters.</i> by Defendant Michael Goodale (Attachments: # <u>1</u> Supplement) (Brown, Mark) (Attachment 1 replaced on 11/13/2012 to attach the correct documents) (pac). (Entered: 11/13/2012)
11/13/2012	<u>92</u>	SENTENCING Memorandum by Defendant Michael Goodale (Brown, Mark) (Entered: 11/13/2012)

11/13/2012	<u>93</u>	SUPPLEMENT to <u>92</u> Sentencing Memorandum by Defendant Michael Goodale (Brown, Mark) Modified on 11/14/2012 to correct text (JK). (Entered: 11/13/2012)
11/15/2012	<u>94</u>	SUPPLEMENT to <u>92</u> Sentencing Memorandum by Defendant Michael Goodale (Brown, Mark) Modified on 11/16/2012 to correct docket text (JK). (Entered: 11/15/2012)
11/16/2012	<u>95</u>	SUPPLEMENT to <u>92</u> Sentencing Memorandum by Defendant Michael Goodale (Brown, Mark) Modified on 11/16/2012 to correct docket text (JK). (Entered: 11/16/2012)
11/21/2012	<u>96</u>	SEALED Sentencing Memorandum By Plaintiff <i>and Resistance to Motion for Variance</i> as to Defendant Michael Goodale (Tremmel, Mark) (Entered: 11/21/2012)
11/28/2012	97	TEXT ONLY ORDER RESETTING HEARING LOCATION as to Defendant Michael Goodale. Sentencing RESET for 12/6/2012 at 03:00 PM, 111 7th Avenue SE, Courtroom 2, 2nd Floor before Chief Judge Linda R Reade. Signed by Chief Judge Linda R Reade on 11/28/2012. (dll) (Entered: 11/28/2012)
12/05/2012	<u>98</u>	NOTICE of Counsel's intent to renew motion to withdraw by Defendant Michael Goodale (Brown, Mark) Modified on 12/6/2012 to correct docket text (JK). (Entered: 12/05/2012)
12/06/2012	<u>99</u>	MINUTE Entry w/ Witness and Exhibit List for proceedings held before Chief Judge Linda R Reade: Sentencing held on 12/6/2012 as to Defendant Michael Goodale. Defendant detained. (Defendant's Hearing Exhibit A filed at <u>91</u> .) (Court Reporter Patrice Murray.) (Attachments: # <u>1</u> Witness and Exhibit List) (Snider, Erin) (Entered: 12/06/2012)
12/07/2012	<u>100</u>	JUDGMENT as to Defendant Michael Goodale, Counts 1, 3, 4 and 5: Life imprisonment. This term of imprisonment consists of a life term imposed on each of Counts 1, 3 and 4 and a 120 month term imposed on Count 5 of the Indictment, to be served concurrently. 10 years supervised release consisting of a 10 year term imposed on each of Counts 1, 3, 4 and 5 of the Indictment, to be served concurrently. \$400.00 assessment. \$253.24 restitution. Signed by Chief Judge Linda R Reade on 12/07/2012. (skm) (Entered: 12/07/2012)
12/07/2012	<u>101</u>	SEALED Statement of Reasons by USA, US Probation, Michael Goodale as to Defendant Michael Goodale. (skm) (Entered: 12/07/2012)
12/10/2012	<u>102</u>	MOTION to Withdraw as Attorney by Mark R. Brown by Michael Goodale. (Brown, Mark) (Entered: 12/10/2012)
12/10/2012	<u>103</u>	NOTICE of Appeal by Defendant Michael Goodale re <u>100</u> Judgment. (Brown, Mark) Modified on 12/11/2012 to add link.(JK). (Entered: 12/10/2012)
12/10/2012	<u>104</u>	ORDER granting <u>102</u> Motion to Withdraw as Attorney. Mark R Brown withdrawn from case as to Michael Goodale. Order sent to 8th Circuit with NOA. Signed by Chief Magistrate Judge Jon S Scoles on 12/10/2012. (JK) (Entered: 12/10/2012)
12/12/2012	<u>105</u>	

		NOA Supplement and Transmission of Notice of Appeal as to Defendant Michael Goodale to US Court of Appeals re 103 Notice of Appeal – Final Judgment. Case Number due by 12/17/2012. (des) (Entered: 12/12/2012)
12/17/2012	106	USCA Case Number as to Defendant Michael Goodale 12–3972 for 103 Notice of Appeal – Final Judgment (des) (Entered: 12/17/2012)
12/19/2012	107	DESIGNATION of Record on Appeal by USA as to Defendant Michael Goodale re 103 Notice of Appeal – Final Judgment (Tremmel, Mark) (Entered: 12/19/2012)
12/19/2012	108	ORDER of 8th Circuit Court of Appeals as to Defendant Michael Goodale 103 Notice of Appeal – Final Judgment. This criminal appeal involves a child victim. In accordance with the provisions of 18 U.S.C. Section 3509(d)(2) regarding confidentiality of information and privacy protection, all papers filed with this court which disclose the name of or any information concerning a child shall be sealed. (des) (Entered: 12/19/2012)
01/03/2013	109	ORDER of USCA (12–3972) as to Defendant Michael Goodale re 103 Notice of Appeal – Final Judgment. The appellant has failed to pay the Clerk of the USDC the requisite docketing fees. Accordingly, the appellant is directed to show cause, within 14 days of the date of this order, why this appeal should not be dismissed for failure to prosecute. (Attachments: # 1 USCA Cover Letter) (des) (Entered: 01/03/2013)
01/04/2013	110	MOTION to Appeal In Forma Pauperis by Michael Goodale. (Brown, Mark) Modified on 1/7/2013 to correct text(JK). (Entered: 01/04/2013)
01/04/2013	111	ORDER granting 110 Motion to Proceed In Forma Pauperis as to Michael Goodale. Signed by Chief Judge Linda R Reade on 01/04/2013. (src) (Entered: 01/04/2013)
01/04/2013		TRANSMITTED Supplemental Record on Appeal as to Defendant Michael Goodale. Notification to print: 111 Order on Motion to Proceed In Forma Pauperis. Appeals court case number: 12–3972. (src) (Entered: 01/04/2013)
01/11/2013	113	ORDER OF USCA (12–3972) as to Defendant Michael Goodale re 103 Notice of Appeal – Final Judgment: Transcript due by 1/31/2013. (des) (Entered: 01/11/2013)
01/14/2013	114	NOTICE of Attorney Appearance: Mark C Meyer appearing for Defendant Michael Goodale (Meyer, Mark) (Entered: 01/14/2013)
01/14/2013	115	MOTION for Transcript – <i>including parts requiring special permission – not resisted</i> for proceedings held on July 2, 3, 5, 2012 before Judge Reade by Michael Goodale. (Meyer, Mark) (Entered: 01/14/2013)
01/16/2013	116	ORDER granting in part and denying in part 115 Motion for Transcript as to Michael Goodale (see text of Order). Signed by Chief Judge Linda R Reade on 1/16/2013. (skm) (Entered: 01/16/2013)
01/31/2013	117	CERTIFIED and Transmitted Sealed Clerk's Record on Appeal as to Defendant Michael Goodale to US Court of Appeals re 103 Notice of Appeal – Final Judgment (Attachments: # 1 Transmittal Sheet) (des) (Entered: 01/31/2013)

01/31/2013	<u>118</u>	CJA 24 as to Defendant Michael Goodale: Authorization to Pay Patrice A Murray, \$182.50 for Sentencing Transcript. Signed by Chief Judge Linda R Reade on 1/31/2013. (Copy to payee) (pac) (Entered: 01/31/2013)
02/01/2013	<u>119</u>	NOTICE of Filing of Official Sealed Transcript of Sentencing as to Defendant Michael Goodale held on 12/6/2012 before Chief Judge Linda R Reade. Court Reporter Patrice A Murray, Telephone number 319-286-2338. Filed as sealed pursuant to Court Reporter and USCA Order. (des) (Entered: 02/01/2013)
02/01/2013	<u>120</u>	NOTICE of Filing of Electronic Transcript: Administrative Order attached: Please read for instructions for actions parties/counsel may be required to take re <u>119</u> Transcript of Sentencing (des) (Entered: 02/01/2013)
02/01/2013	<u>121</u>	MAILED Supplemental Record on Appeal as to Defendant Michael Goodale re <u>103</u> Notice of Appeal – Final Judgment: <u>119</u> Transcript of Sentencing. Appeals court case number: 12-3972. (des) (Entered: 02/01/2013)
02/04/2013	<u>122</u>	NOTICE of Filing of Official Sealed Transcript of Jury Trial Proceedings (Day 1) as to Defendant Michael Goodale held on 7/2/2012, before Chief Judge Linda R. Reade. Court Reporter Kay Carr, Telephone number 319-362-1543. Modified text on 2/4/2013 (skm). (Entered: 02/04/2013)
02/04/2013	<u>123</u>	NOTICE of Filing of Official Sealed Transcript of Jury Trial Proceedings (Day 2) as to Defendant Michael Goodale held on 7/3/2013, before Chief Judge Linda R. Reade. Court Reporter Kay Carr, Telephone number 319-362-1543. (skm) (Entered: 02/04/2013)
02/04/2013	<u>124</u>	NOTICE of Filing of Electronic Transcript: Administrative Order attached: Please read for instructions for actions parties/counsel may be required to take re <u>122</u> Sealed Jury Trial (Day 1) Transcript and <u>123</u> Sealed Jury Trial (Day 2) Transcript. (skm) (Entered: 02/04/2013)
02/04/2013	<u>125</u>	MAILED Supplemental Record on Appeal as to Defendant Michael Goodale re <u>103</u> Notice of Appeal – Final Judgment: <u>122</u> Transcript Day 1 of Jury Trial, <u>123</u> Transcript Day 2 of Jury Trial. Appeals court case number: 12-3972. (des) (Entered: 02/04/2013)
02/06/2013	<u>126</u>	CJA 24 as to Defendant Michael Goodale: Authorization to Pay Kay Carr, \$1273.85 for Transcript. Signed by Chief Judge Linda R Reade on 2/5/2013 (copy to payee). (skm) (Entered: 02/06/2013)
04/26/2013	<u>129</u>	Judgment Returned Executed as to Defendant Michael Goodale delivered on 3/29/2013 to USP Tucson, AZ. (skm) (Entered: 04/26/2013)
05/06/2013	<u>130</u>	TRANSMITTED Supplemental Record on Appeal as to Defendant Michael Goodale Appeals court case number: 12-3972. DVD of Government Exhibit 1 re <u>22</u> and CD of Government Trial Exhibit 1, 2, and 3 re <u>73</u> mailed to 8th Circuit. (pac) (Entered: 05/06/2013)
05/06/2013	<u>131</u>	CERTIFIED and Transmitted Record on Appeal as to Defendant Michael Goodale mailed to US Court of Appeals re <u>103</u> Notice of Appeal – Final Judgment (Attachments: # <u>1</u> Transmittal Sheet) (prepared by clerk pursuant to request from Attorney Mark Meyer and direction from US Court of Appeals) (des) (Entered: 05/06/2013)

05/30/2013	<u>132</u>		ANSWER of Garnishee IPERS in case as to Defendant Michael Goodale. (NEF mailed to Garnishee) (pac) (Additional attachment(s) added on 5/30/2013: # <u>1</u> Unredacted Answer) (pac). (Entered: 05/30/2013)
07/16/2013	<u>133</u>		MOTION for Final Order in Garnishment by USA as to Michael Goodale. (Attachments: # <u>1</u> Brief) (McLaughlin, Martin) Modified on 7/17/2013 to correct text (JK). (Entered: 07/16/2013)
07/17/2013	<u>134</u>		FINAL Order in Garnishment as to Defendant Michael Goodale granting <u>133</u> MOTION for Final Order filed by USA. Signed by Chief Judge Linda R Reade on 7/16/2013 (copy w/NEF mailed to Garnishee). (skm) (Entered: 07/17/2013)
07/29/2013	<u>135</u>		PRO SE MOTION for Return of Property by Michael Goodale. (NEF mailed to filer) (pac) (Entered: 07/29/2013)
07/30/2013	<u>136</u>	15	ORDER denying <u>135</u> Motion for Return of Property/PreTrial as to Michael Goodale (1). Signed by Chief Judge Linda R Reade on 7/30/2013. (NEF and order mailed to defendant) (pac) (Entered: 07/30/2013)
08/12/2013	<u>137</u>	16	PRO SE NOTICE of Appeal – Interlocutory by Defendant Michael Goodale re <u>136</u> Order on Motion for Return of Property (NEF mailed to filer). (skm) (Entered: 08/12/2013)
08/13/2013	<u>138</u>	20	NOA Supplement and Transmission of Notice of Appeal as to Defendant Michael Goodale to US Court of Appeals re <u>137</u> Pro Se Notice of Appeal of <u>136</u> Order denying <u>135</u> Pro Se Motion for Return of Property. Case Number due by 8/19/2013. (copy w/NEF mailed to non-ecf defendant) (des) (Entered: 08/13/2013)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
MICHAEL GOODALE,
Defendant.

No. 12-CR-3011-LRR

ORDER

The matter before the court is Defendant Michael Goodale's pro se "Motion for Return of Property" ("Motion") (docket no. 135), which the clerk's office filed on July 29, 2013. In the Motion, Defendant requests that the court direct the government to return property seized during the investigation of his case, specifically, a laptop computer.

The court finds that the Motion should be denied. First, Defendant filed the Motion while represented by counsel. This is impermissible. Defendant does not have a constitutional right to hybrid representation. *See United States v. Swinney*, 970 F.2d 494, 498 (8th Cir. 1992). Second, Defendant is not entitled to return of the laptop because the government has a continued need for such evidence in light of Defendant's pending appeal. Accordingly, the Motion (docket no. 135) is **DENIED**.

IT IS SO ORDERED.

DATED this 30th day of July, 2013.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA

RECEIVED AUG 12 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

UNITED STATES OF AMERICA, }
 }
Plaintiff, } Case No. 12-CR-3011-LRR
vs. }
MICHAEL GOODALE, } NOTICE OF APPEAL
Defendant. }
 }

Notice is hereby given that Michael Goodale, Defendant, in the above styled case, hereby appeals to the United States Court of Appeals for the Eighth Circuit from an Order Denying Motion for Return of Property [135] entered in this action on the 7th day of July, 2013.

August 8, 2013

Respectfully submitted,

Michael Goodale
Michael Goodale, Defendant
Register No. 12002-029
U.S. Penitentiary, Tucson
PO Box 24550
Tucson, AZ 85734-4550

CERTIFICATE OF SERVICE

I declare, under penalty of perjury, that I placed a copy of a NOTICE OF APPEAL in the legal mail receptacle at the U.S. Penitentiary, Tucson, AZ, having affixed sufficient U.S. First Class postage for mailing.

Mike Goodale

Michael Goodale, Defendant

08-08-13

Date

Addressee:

United States District Court
Office of the Clerk
4200 C Street SW
Cedar Rapids, IA 52404

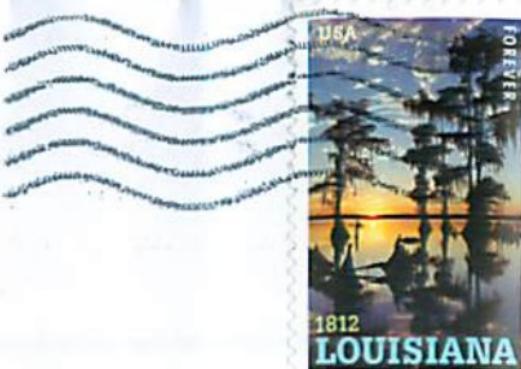
Inmate Name: Michael Goodale
Register Number: 12002-029
United States Penitentiary Tucson
Post Office Box 24550
Tucson, Arizona 85734

*** CONFIDENTIAL LEGAL MAIL ***

PHOENIX, AZ 8552

09 AUG 2013 PM 3 L

8/9/13-SKM



⇒12002-029⇒

U S Dist Court - N D Iowa
Office of the Clerk
4200 C ST SW
Cedar Rapids, IA 52404
United States

FEDERAL CORRECTIONAL COMPLEX**9300 S. WILMOT ROAD****TUCSON, AZ, 85745**Date:

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another add. - see, please return the enclosure to the above address.

**U. S. COURT OF APPEALS - EIGHTH CIRCUIT
NOA SUPPLEMENT
NORTHERN DISTRICT OF IOWA - SIOUX CITY, IA**

CAPTION:

USA V GOODALE

APPELLANT:

MICHAEL GOODALE

APPELLEE:

UNITED STATES OF AMERICA

COURT REPORTER(S):

CASE NO:

CR12-3011-LRR

APPELLANT ADDRESS or ATTORNEY'S ADDRESS:

Mark C. Meyer
425 - 2nd Street SE, Suite 425
Cedar Rapids, IA 52401
319-365-7529

APPELLEE ATTORNEY ADDRESS:

Mark Tremmel, AUSA
111 - 7th Avenue SE
Box 1
Cedar Rapids IA 52401
319-363-6333

PROCEEDING:

LENGTH OF TRIAL:

FEE PAID? N

IFP FILED? N

IFP PENDING? N

CRIMINAL ATTORNEY:

PENDING MOTIONS: N

LOCAL INTEREST? N

SIMULTANEOUS RELEASE? N

CRIMINAL CASES/PRISONER PRO SE CASES ONLY:

Is Defendant incarcerated? **Yes** If yes, where:

USP Tucson

Please list all other defendants in this case if there were multiple defendants:

Please return files and documents to:

**U.S. District Clerk - Northern District of Iowa
320 Sixth Street, Suite 301
Sioux City, IA 51101**

Contact Person:

/s/ des
712-233-3841

Special Comments:

Defendant filed this Pro Se Notice of Appeal regarding #136 Order denying #135 Pro Se Motion for Return of Property. There is currently a pending appeal to the judgment. The USCA case number for that appeal is 12-3972.